

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIAM T. WEBSTER,

Pro Se Plaintiff,

VS.

DEPARTMENT OF DEFENSE, Robert M. Gates, Secretary of Defense; DEFENSE COMMISSARY AGENCY, DeCA, Philip E. Sakowitz, Director and CEO, DeCA,

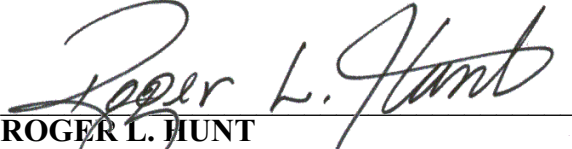
Before the Court is Plaintiff William T. Webster's **Motion for Relief from Judgment** (#46), filed June 28, 2010. The Court has also considered Defendants' Opposition (#47), filed July 15, 2010, and Webster's Reply (#48), filed July 21, 2010.

1 February 2010, this Court dismissed Webster's claims on *res judicata* and collateral estoppel
2 grounds. Webster then appealed the decision to the United States Court of Appeals for the Ninth
3 Circuit. However, the Ninth Circuit affirmed this Court's decision. Webster has now filed a
4 motion for relief from judgment pursuant to Rule 60(b)(4) of the Federal Rules of Civil Procedure
5 in which he seeks relief both from Judge Dawson's order of dismissal and this Court's order of
6 dismissal. Webster argues that these orders are void under Rule 60(b)(4).

7 The Court denies Webster's motion because his argument lacks any legal basis.
8 First, the Court denies Webster's motion to the extent that it seeks relief from Judge Dawson's
9 order. This Court does not have the authority to review the judgment of a co-equal court. Second,
10 the Court denies Webster's motion because Rule 60(b)(4) does not void this Court's order of
11 dismissal. "A final judgment is 'void' for purposes of Rule 60(b)(4) only if the court that
12 considered it lacked jurisdiction, either as to the subject matter of the dispute or over the parties to
13 be bound, or acted in a manner inconsistent with due process of law." *United States v. Berke*, 170
14 F.3d 882, 883 (9th Cir. 1999). The record reflects that Webster filed this action under 42 U.S.C. §
15 1981(b) and various other federal regulations, which confer original jurisdiction upon this Court.
16 Furthermore, the Ninth Circuit has already affirmed this Court's order of dismissal. The Court
17 therefore denies Webster's motion.

18 Accordingly, and for good cause appearing,
19 IT IS HEREBY ORDERED that Webster's Motion for Relief from Judgment (#46)
20 is DENIED.

21 Dated: October 19, 2010

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23 
24 **ROGER L. HUNT**
25 Chief United States District Judge
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